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IN THE UNITED STATES PATENT AND PATENT  
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TC 2100

PETITION UNDER C.F.R. 1.181

Applicant(s): Osamu SHIBATA, et al.

Docket No.: 29288.0300

Serial No.: 09/828,559

Filed: April 6, 2001

TITLE: COPYRIGHT PROTECTION SYSTEM,  
ENCRYPTION DEVICE, DECRYPTION  
DEVICE, AND RECORDING MEDIUM

Group Art Unit: TBA

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Commissioner for Patents  
Box PETITIONS  
Washington, D.C. 20231-9998

AUG 22 2003

Technology Center 2100

Sir:

Applicant, pursuant to 37 CFR §1.181, hereby petitions to proceed with prosecution of the above-referenced patent application which was misplaced due to an error by the U.S. Patent and Trademark Office.

On April 6, 2001, the undersigned filed the attached Patent Application 37 C.F.R. 1.53(b) and received a return postcard with the Serial Number 09/828,559 stamped thereon by the USPTO office and confirming receipt of same on April 6, 2001.

On March 3, 2003, the undersigned prepared to file an Information Disclosure Statement in the above-referenced matter, at which time it was discovered that there was no Filing Receipt in the file, nor had we received a Notice to File Missing Parts as a signed declaration was not available at the time this application was filed. A member of my staff contacted the U.S. Patent and Trademark Office's Office of Initial Patent Examination (OIPE) to determine why we had not received an Official Filing Receipt or Notice to File Missing Parts and was informed by a clerk of that office that our Customer Number had been incorrectly entered into your tracking system and thus our documents were sent to another firm who did not act upon them and the application was abandoned for failure to respond. He then stated he would retrieve the file and rectify the situation.

After several weeks, my assistant again contacted the OIPE, and spoke with Monica Young who confirmed the error in the Customer Number but indicated it looked like our previous request had not been acted upon.

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OFFICE OF PETITIONS

Ms. Young then informed my assistant that she would retrieve the file from the repository and proceed to have the case reinstated as the error was obviously a USPTO error. Ms. Young stated she would contact my assistant once the file was returned from the repository but to be patient as it could take some time.

After several weeks, my assistant attempted to contact Ms. Young several times and once able to reach her was informed that the USPTO's system showed the file should be in her area but that it had not yet made it to her desk. Ms. Young did indicate that the file showed in the system as having been in her area for several days and that it was strange it had not yet made it to her desk. She then indicated she would initiate a search for the file and contact my assistant once it was located. It has again been several weeks since my assistant has heard from Ms. Young. She has made attempts to contact her in the last few days, but has yet to receive a response.

It was then determined that we submit this Petition and request that prosecution proceed.

Therefore, please treat the attached paperwork as if it is the original application which was filed on April 6, 2001, by this office and grant the application that filing date. We also hereby revoke any instructions to charge the filing fees to our Deposit Account No. 19-2814 with regard to this application as the filing fee was already submitted in the form of Check No. 501019, a copy of which is enclosed.

Should the Commissioner or his Examiner wish to discuss this matter, please contact the undersigned at (602) 382-6377.

Respectfully submitted,

By  8/12/03  
Michael K. Kelly  
Reg. No. 32,848

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 East Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6377

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THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAIL  
ROOM STAMP AFFIXED HERETO ACKNOWLEDGES RECEIPT OF  
THE ITEMS CHECKED BELOW:

Serial No. To be Assigned

Applicant: Osamu SHIBATA, et al.

Filing Date: April 16, 2001

Title/Marc: Copyright Protection System, Encryption  
Device, Decryption Device, and Recording

- Patent Application  
 54 Pages in Spec. 47 No. of Claims. Medium  
 Drawing Sheets: 9 (F) (INR)  
 Check S 121600 No.: \_\_\_\_\_  
 Power of Attorney  
 Extension of Time (duplicate)  
 Preliminary Amendment

THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL MAIL  
ROOM STAMP AFFIXED HERETO ACKNOWLEDGES RECEIPT OF  
THE ITEMS CHECKED BELOW:

Serial No. To be Assigned

Applicant: Osamu SHIBATA, et al.

Filing Date: April 16, 2001

Title/Marc: Copyright Protection System, Encryption  
Device, Decryption Device, and Recording

- Patent Application  
 54 Pages in Spec. 47 No. of Claims. Medium  
 Drawing Sheets: 9 (F) (INR)  
 Check S 121600 No.: \_\_\_\_\_  
 Power of Attorney  
 Extension of Time (duplicate)  
 Preliminary Amendment  
 Amendment  
 Amendment after FINAL Rejection  
 Issue Fee (Base and/or Balance)  
 Small Entity Certificate  
 Assignment Cover Sheet and Fee  
 Trademark Application



Priority Document 2000-10525  
PDS-CW 1201449 and Reference

Marked items placed in First Class Mail on

Marked items filed via Express Mail No.

21339433747 April 16, 2001

S&W Docket No. \_\_\_\_\_ Att'y: M. Kelly

21339433747

Attn: Intellectual Property Dept.

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AUG 22 2003

Technology Center 2100

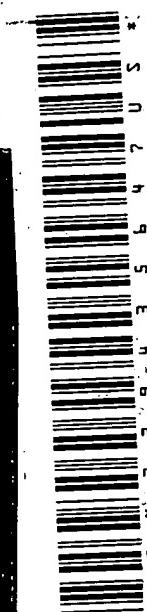
NOTED ON DOCKET/K. WRIGHT

EM339433747US

Technology Center 2100

AUG 22 2003

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1000-11

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Customs forms and commercial invoices may be required. See Pub. 273 and International Mail Manual for details.			
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FILE # \_\_\_\_\_

SNELLE & WILMER LLP

400 E. VAN BUREN ST

ARIZONA CENTER

PHOENIX AZ 85004-2223

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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	29288.0300
First Inventor	Osamu SHIBATA, et al.
Title	COPYRIGHT PROTECTION SYSTEM, ENCRYPTION...
Express Mail Label No.	EM339435647US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 54]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure

4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 9]

5. Oath or Declaration [Total Pages ]  
a.  Newly executed (original or copy)
- b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)

i.  **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  Application Data Sheet. See 37 CFR 1.76

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation     Divisional     Continuation-in-part (CIP)    of prior application No.: /

Prior application Information: Examiner \_\_\_\_\_

Group / Art Unit \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

Customer Number or Bar Code Label

20322

or  Correspondence address below

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AUG 22 2003

Name	Michael K. Kelly SNELL & WILMER, LLP		
Address	One Arizona Center 400 E. Van Buren Street		
City	Phoenix	State	AZ
Country	USA	Telephone	602-382-6291
Zip Code	85004-2202		
Fax	602-382-6070		

Name (Print/Type) Michael K. Kelly

Registration No. (Attorney/Agent) 32,848

Signature Michael K. Kelly

Date 4/6/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.



TOTAL AMOUNT OF PAYMENT \$1,276.00

Complete if Known

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Application Number	To be assigned	AUG 22 2003
Filing Date	April 6, 2001	
First Named Inventor	Osamu SHIBATA, et al.	Technology Center 2100
Examiner Name	To be assigned	
Group Art Unit	To be assigned	
Attorney Docket No.	29288.0300	

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 19-2814

Deposit Account Name Snell and Wilmer, LLP

 Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17 Applicant claims small entity status. See 37 CFR § 1.27

2.  Payment Enclosed:

 Check  Credit card  Money Order  Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	710	201 355 Utility filing fee	710.00
106	320	206 160 Design filing fee	
107	490	207 245 Plant filing fee	
108	710	208 355 Reissue filing fee	
114	150	214 75 Provisional filing fee	
SUBTOTAL (1)			\$710.00

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
	47	-20** = 27 X 18.00 = 486.00	
Independent Claims	4	-3** = 1 X 80.00 = 80.00	
Multiple Dependent			

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	80	202 40 Independent claims in excess of 3
104	270	204 135 Multiple dependent claim, if not paid
109	80	209 40 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		\$566.00

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non - English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	390	216 195 Extension for reply within second month	
117	890	217 445 Extension for reply within third month	
118	1,390	218 695 Extension for reply within fourth month	
128	1,890	228 945 Extension for reply within fifth month	
119	310	219 155 Notice of Appeal	
120	310	220 155 Filing a brief in support of an appeal	
121	270	221 135 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,240	241 620 Petition to revive - unintentional	
142	1,240	242 620 Utility issue fee (or reissue)	
143	440	243 220 Design issue fee	
144	600	244 300 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR § 1.17(q)	
126	180	126 180 Submission of Information Disclosure Statement	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	710	246 355 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355 For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

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\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Michael K. Kelly	Registration No. (Attorney/Agent)	32,848	Telephone	602-382-6291
Signature	Michael K. Kelly			Date	4/6/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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## INVENTOR INFORMATION

Inventor One Given Name:: Osamu  
Family Name:: SHIBATA  
Postal Address Line One:: 211, Shonanryo, 1-6-22, Kikusuidori,  
Postal Address Line Two:: Moriguchi-shi  
City:: Osaka  
Country:: Japan  
Postal or Zip Code:: 570-0032  
City of Residence:: Osaka  
Country of Residence:: Japan  
Citizenship Country:: Japan  
Inventor Two Given Name:: Tsutomu  
Family Name:: SEKIBE  
Postal Address Line One:: 5-49-34, Yamanoue, Hirakata-shi,  
City:: Osaka  
Country:: Japan  
Postal or Zip Code:: 573-0047  
City of Residence:: Osaka  
Country of Residence:: Japan  
Citizenship Country:: Japan

## CORRESPONDENCE INFORMATION

Correspondence Customer Number:: 20322  
Fax One:: 602-382-6070  
Electronic Mail One:: mkelly@swlaw.com

## APPLICATION INFORMATION

Title Line One:: COPYRIGHT PROTECTION SYSTEM, ENCRYPTION  
Title Line Two:: DEVICE, DECRYPTION DEVICE AND RECORDING  
Title Line Three:: MEDIUM  
Total Drawing Sheets:: 9  
Formal Drawings?:: Yes  
Application Type:: Utility  
Docket Number:: 29288.0300  
Secrecy Order in Parent Appl.?:: No

## REPRESENTATIVE INFORMATION

Representative Customer Number:: 20322

## PRIOR FOREIGN APPLICATIONS

Foreign Application One:: 2000-105525  
Filing Date:: 04-06-2000  
Country:: Japan  
Priority Claimed:: Yes

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PATENT OFFICE  
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
in this Office.

出願年月日

Date of Application:

2000年 4月 6日

願番号

Application Number:

特願2000-105525

願人

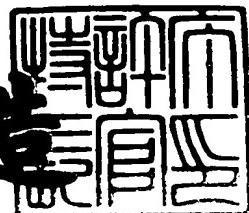
Applicant(s):

松下電器産業株式会社

2001年 1月19日

特許庁長官  
Commissioner.  
Patent Office

及川耕造



出証番号 出証特2000-3112877

(Translation)

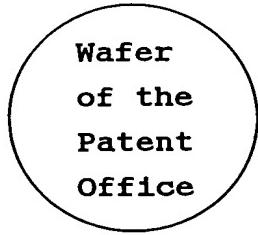
PATENT OFFICE  
JAPANESE GOVERNMENT

This is to certify that the annexed is a true copy of the following application as filed with this Office.

Date of Application : April 6, 2000

Application Number : Patent Appln. No. 2000-105525

Applicant(s) : MATSUSHITA ELECTRIC INDUSTRIAL  
CO., LTD.



January 19, 2001

Kozo OIKAWA

Commissioner,  
Patent Office

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Commissioner  
of  
the Patent  
Office

Appln. Cert. No.

Appln. Cert. Pat. 2000-3112877